

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**JOHN DAVID KUEHNE, JR.,**

**Petitioner,**

**Case No. 3:10-cv-379  
Case No. 3:03-cr-063**

**-v-**

**Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS (Doc. #385) IN ITS ENTIRETY; DENYING KUEHNE'S  
APPLICATION FOR A CERTIFICATE OF APPEALABILITY (Doc. #384) AND  
DENYING KUEHNE'S MOTION FOR AN EXTENSION OF TIME (Doc. #383) AS  
MOOT**

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On October 3, 2012, Magistrate Judge Ovington issued a Report and Recommendations (doc. #385) finding that John David Kuehne, Jr.'s ("Kuehne's") Application for a Certificate of Appealability should be denied and his Motion for an Extension of Time should be denied as being moot. Kuehne objected (doc. #388), and the time has run and the United States of America has not responded. Kuehne's objections to this Report and Recommendations are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Kuehne's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Kuehne's Application for a Certificate of Appealability (doc. #384) is DENIED. Further,

Kuehne's Motion for Extension of Time To Submit Application for Certificate of Appealability (doc. #383) is DENIED as being moot.

**DONE** and **ORDERED** in Dayton, Ohio this Fourth day of December, 2012.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record